

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) Docket No. MT-0003/PI-236  
Public Service Commission, on )  
its own motion, to establish ) ORDER OPENING DOCKET AND  
interim policies for the ) APPROVING INTERIM POLICIES  
implementation of LB 734 )  
[2020] pending final )  
rulemaking. ) Entered: November 4, 2020

BY THE COMMISSION:

## O P I N I O N   A N D   F I N D I N G S

The Nebraska Public Service Commission ("Commission") hereby opens the above-captioned docket, on its own motion, to establish interim policies for the implementation of LB 734 [2020] pending final rulemaking.

LB 734 was signed into law on February 19, 2020 and will be effective on or around November 13, 2020. LB 734 creates regulatory requirements for buses providing special party and/or charter services under the Nebraska Liquor Control Act. On August 25, 2020, the Commission opened a rulemaking docket in order to promulgate rules regarding signage and other indicia distinguishing the two bus service classifications, including noting whether alcohol is allowed to be consumed by passengers 21 years of age or older on the bus.<sup>1</sup> Hearing on the proposed rules was held October 14, 2020.

LB 734 will become effective prior to the adoption of the final rules and regulations. Carriers must be able to comply with all LB 734 requirements during the interim period. Therefore, the Commission believes that it is necessary to provide interim policies for bus carriers providing special party and charter services to comply with signage requirements pending the adoption of final rules and regulations. Commission staff recommends that the following interim policies be adopted:

1. All vehicles used in charter or special party service must be so designated by a sign at the front of the vehicle. The sign must also include notice that the owner/operator

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<sup>1</sup> *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to amend Title 291, Chapter 3, Motor Carrier Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 734 [2020], Order Opening Docket, Releasing Proposed Rules and Setting Hearing (August 25, 2020).*

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of the vehicle is or is not allowing the consumption of alcoholic liquor in the vehicle by an individual who is twenty-one years of age or older.

2. Signage must include the name or trade name of the carrier under whose authority the vehicle is being operated as well as the carrier authority number assigned to the carrier by the Commission.
3. If the owner or operator of a vehicle used in special party bus service allows alcoholic liquor to be consumed in the vehicle by an individual who is twenty-one years of age or older, the sign must also include the license number assigned to the operating authority by the Nebraska Liquor Control Commission.
4. Each sign must be legible at all times from a distance of 50 feet (15.24 meters) while the vehicle is stationary. The color scheme of the lettering will be in distinct contrast to the background color of the sign.

Based on the above, the Commission finds that the above-captioned docket should be opened to establish interim policies for the implementation of LB 734. The Commission also finds that the interim signage policy should be approved during the pendency of the adoption of final rules and regulations.

### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned docket be, and is hereby, opened to establish interim policies for the implementation of LB 734 [2020] pending final rulemaking.

IT IS FURTHER ORDERED that the interim policies proposed herein be, and are hereby, approved.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 4<sup>th</sup> day of November, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rock Johnson*  
*Crystal Hender*  
*Tim Schram*  
*Dee Watson*

*Mary Kadden*  
Chair

ATTEST:

*Michael S. Hyatt*  
Executive Director